



ATTORNEY DOCKET NO.: INSC-109.4

Declaration, Power of Attorney, and Petition

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name,

I believe I am the original, first and sole inventor of the sdesign which is claimed and for which a patent is sought on the invention entitled: MEDICAMENT VIAL HAVING A HEAT-SEALABLE CAP, AND APPARATUS AND METHOD FOR FILLING THE VIAL, the specification of which (*check one*)

☐ is attached hereto; or

☒ was filed on January 28, 2004 Application Serial No. 10/766,172.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above, and that it contains a full, clear, concise and exact description of the subject matter for which a patent is sought.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

Prior Application(s)

☐ (Check if applicable) I hereby claim foreign priority benefits under Title 35, United States Code § 119, by checking the box(es) below, any foreign application(s) for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

(Number)

(Country)

Day/month/year filed

Priority Claim?

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Yes No

☒ (Check if applicable) I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Prior Provisional Application(s)

60/443,526

28 January 2003

60/484,204

30 June 2003

(Application Number)

(Filing Date)

(Note: When the nonprovisional application is entitled to an earlier U.S. effective filing date of one or more provisional applications under Title 35, United States Code § 119(e), a statement such as "This application claims the benefit of U.S. Provisional Application No. _____, filed _____, and U.S. Provisional Application No. _____, filed _____." should appear as the first sentence of the description. In view of this requirement, the right to rely on a prior application may be waived or refused by an applicant by refraining from inserting a reference to the prior application in the specification of the later one.)

☒ (Check if applicable) I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. Application(s)

10/694,364	27 October 2003	Pending
(Application Serial No.)	(Filing Date)	Status (Patented, pending, abandoned)

☒ (Check if applicable) I hereby authorize the U.S. attorneys or agents named herein to accept and follow instructions from Medical Instill Technologies, Inc. as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys or agents named herein and myself/ourselves. In the event of a change, I/we will notify in writing the U.S. attorney or agent named herein.

☒ (Check if applicable) In this continuation-in-part application, insofar as the subject matter of any of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the attorneys whose names are associated with United States Patent and Trademark Office Customer Number 21832:

of the firm of MCCARTER & ENGLISH, LLP, whose address is CityPlace I, 185 Asylum Street, Hartford, CT 06103, as my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please address all written correspondence to the address associated with United States Patent and Trademark Customer Number 21832:

Telephone Calls should be directed to Mark D. Giarratana, by dialing (860) 275-6719.

Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

Full name of sole inventor:

Dr. Daniel Py

Residence:

419 West Avenue, Stamford, Connecticut 06902 US

Citizenship:

France

Post Office Address:

419 West Avenue, Stamford, Connecticut 06902 US

Inventor's signature
HARTFORD: 619736.01

 Date: 2.VIII.04